

00/07/00  
JC772 U.S. PTO

#2/A  
9-14-00  
JM

Docket No. 1232-4423US1

JC831 U.S. PTO  
09/58495  
06/07/00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**UTILITY APPLICATION AND FEE TRANSMITTAL (1.53(b))**

ASSISTANT COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

- (1) Akihito MOCHIZUKI  
Narashino-shi, JAPAN

☐ Additional inventors are listed on a separate sheet

For: DATA COMMUNICATION APPARATUS AND METHOD

Enclosed Are:

- 24 page(s) of specification  
1 page(s) of Abstract  
7 page(s) of claims  
5 sheets of ☒ Formal ☐ Informal drawings

6 page(s) of Declaration and Power of Attorney

- ☐ Unsigned  
☐ Newly Executed  
☒ Copy from prior application  
☐ Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

☒ **Incorporation by Reference:**

- ☒ The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.

- ☐ Microfiche Computer Program (Appendix)
- ☐ page(s) of Sequence Listing
- ☐ computer readable disk containing Sequence Listing
- ☐ Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same
- ☒ Assignment Papers (assignment cover sheet and assignment documents)
- ☐ A check in the amount of \$40.00 for recording the Assignment
- ☐ Charge the Assignment Recordation Fee to Deposit Account No. 13-4503, Order No. . . .
- ☒ Assignment Papers filed in the parent application Serial No. 09/025,184
- ☐ Certification of chain of title pursuant to 37 C.F.R. §3.73(b)
- ☒ Priority is claimed under 35 U.S.C. §119 for:  
Application No(s). 9-035129, filed 2/19/97, in Japan (country).
- ☒ Certified Copy of Priority Document(s) [      ]
- ☐ filed herewith
- ☒ filed in application Serial No. 09/025,184, filed 2/18/98.
- ☐ English translation document(s) [      ]
- ☐ filed herewith
- ☐ filed in application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
- ☐ Priority is claimed under 35 U.S.C. §119(e) for:  
Provisional Application No. \_\_\_\_\_, filed \_\_\_\_\_.
- ☐ Priority is claimed under 35 U.S.C. §120 for:  
Application No(s). \_\_\_\_\_, filed \_\_\_\_\_, in \_\_\_\_\_.
- ☐ Information Disclosure Statement
- ☐ Copy of [    ] cited references
- ☐ PTO Form-1449
- ☐ References cited in parent application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
- ☐ Preliminary Amendment
- ☒ Return receipt postcard (MPEP 503)
- ☒ This is a ☐ continuation ☒ divisional ☐ continuation-in-part of prior application serial no. 09/025,184, filed 2/18/98.
- ☒ Cancel in this application original claims 1-7 and 13, 14 of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application.
- ☐ The status of the parent application is as follows:

☐ A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until \_\_\_\_.

☐ A copy of the Petition for Extension of Time in the co-pending parent application is attached.

☒ No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.

☐ Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.

☐ Transfer the drawing(s) from the parent application to this application

☒ Amend the specification by inserting before the first line the sentence:

This is a continuation of co-pending application Serial No. 09/025,184, filed 2/18/98.

I. CALCULATION OF APPLICATION FEE				
	Number Filed	Number Extra	Rate	Basic Fee \$690.00/345.00
Total Claims	17- 20 =	0	\$18.00/\$9.00	\$ 0
Independent Claims	8- 3 =	5x	\$78.00/\$34.00	\$ 390.00
<input type="checkbox"/> Multiple Dependent Claims		If marked, add fee of \$260.00 (\$130.00)		\$
TOTAL:				\$ 1080.00

☐ A statement claiming small entity status is attached or has been filed in the above-identified parent application and its benefit under 37 C.F.R. §1.28(a) is hereby claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$\_\_\_\_\_.

☐ A check in the amount of \$ \_\_\_\_\_ in payment of the application filing fees is attached.

☒ Charge fee to Deposit Account No. 13-4503 Order No. 1232-4423US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

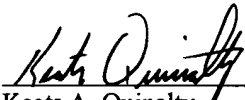
- ☒ The Assistant Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency with the parent application, or credit any overpayment to Deposit Account No. 13-4503 Order No. 1232-4423US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: June 7, 2000

By:

  
Keats A. Quinalty  
Registration No. P46,426  
(202) 857-7887 Telephone  
(202) 857-7929 Facsimile

CORRESPONDENCE ADDRESS:

MORGAN & FINNEGAN, L.L.P.  
345 Park Avenue  
New York, NY 10154

002030-3678880